

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
May 5, 2004

The Board for Licensing Health Care Facilities was called to order by Dr. Larry Arnold on May 5, 2004, commencing at 9:00 a.m.

Ms. Green called the roll to establish a quorum.

Dr. Larry Arnold, Chairman
Dr. James T. Galyon, Chairman Pro Tem
Mr. Ron Arrison
Ms. Elizabeth Chadwell
Dr. Clifton Exum
Mr. Robert Gordon
Mr. James Hastings
Mr. Terry Horgan, Ph.D.
Mr. Charles Hewgley
Mr. Albert Jones
Dr. Douglas Leahy
Mrs. Roxane Spitzer, Ph.D.
Dr. Joe T. Walker

Members not present:

Geraldine Smelcer
Dr. Duane Budd
Dr. Jon Winter
Ms. Annette Couch
Ms. Charlotte Burns

Present and representing the Office of General Counsel:

Mr. Ernie Sykes

Also present:

Ms. Katy Gammon, Director, Health Care Facilities
Ms. Cathy Green, Director, Board for Licensing
Ms. Anita Van Tries, Board Administrator
Ms. Faye Vance, East TN Regional Administrator
Ms. Shirley Jones, West TN Regional Administrator
Ms. Nina Monroe, Middle TN Regional Administrator
Mr. Bill Harmon, Director of Engineering

A quorum was established by roll call vote. Ms. Green introduced new board member Mr. Charles Hewgley, Acting Director of Commission on Aging.

APPROVAL OF MINUTES

The first order of business was approval of the February 4, 2003 minutes.

Motion was made by Mr. Gordon, seconded by Mr. Arrison to approve the minutes as written.

Motion carried.

REPORTS TO THE BOARD

Legislation

Mr. Ernie Sykes, OGC gave a brief overview of current legislation including sprinkler bills, cease and desist, licensing of outpatient diagnostic centers, certification of state fire safety specialists and privacy cameras in resident rooms.

Trauma Care Advisory Council

Mr. Joe Phillips, Director of EMS, reported on mid-term trauma care site visits conducted. Mr. Phillips reports trauma care advisory council is developing statewide trauma system plan and will be shared with this board at its next meeting.

Nurse Aide Training

Ms. Johnson presented the Nurse Aide Training Program report.

Department Report

Ms. Green gave an update on Unusual Events pointing out report on ASTCs per Board's request at February meeting. She also provided a report on outstanding state civil penalties assessed dating back to 2001. Board Policy 74 was presented as requested at last meeting. Motion was made by Dr. Galyon and seconded by Dr. Leahy to approve this policy. Motion carried.

Ms. Gammon gave a report on the status of sprinkler waivers approved by the Board.

DISCUSSION

Proposed 2005 meeting dates were presented. Motion made by Dr. Walker and seconded by Mr. Jones to approve dates. Motion carried.

Ms. Green recognized Anita Van Tries for her work with the Board. She will be retiring May 7, 2004. Dr. Arnold, Chair presented Ms. Van Tries with a gift on behalf of the Board members.

REGULATIONS

APPROVAL TO GO TO RULEMAKING HEARING

Hospital Rules 1200-8-1 – Addition of provision to allow out-of-state medical professionals to order diagnostic and laboratory tests in Tennessee hospitals.

Motion was made by Mr. Gordon, seconded by Mr. Arrison to:

SEND THE HOSPITAL RULES FOR RULEMAKING HEARING.

Motion carried.

APPROVAL FOR FINAL FILING

Hospital Rules 1200-8-1 – Revision to Critical Access Hospital definition.

Motion was made by Dr. Galyon, seconded by Mr. Arrison to:

SEND THE HOSPITAL RULES FOR FINAL FILING.

Motion carried by roll call vote.

Home Medical Equipment Rules 1200-8-29- Repeal section 1200-8-29-.13 and requirement for Joint Annual Report. The Department asked to defer language related to competency of delivery techs until Tennessee Association for Home Care and Respiratory Therapy Board make recommendations.

Motion was made by Dr. Galyon, seconded by Ms. Chadwell to:

SEND THE HME RULES FOR FINAL FILING WHILE DEFERRING LANGUAGE RELATED TO COMPETENCY OF DELIVERY TECHS

Motion carried by roll call vote.

WAIVER REQUESTS

Ms. Green gave a brief summary of each of the following waiver requests:

McKenzie Regional Hospital

Jim Major, Architectural Consultant, requested this facility be allowed 3 years to phase in installation of an automatic sprinkler system.

Dr. Walker made the motion seconded by Mr. Arrison to:

GRANT MCKENZIE REGIONAL HOSPITAL A WAIVER TO ALLOW 3 YEAR PHASE-IN OF AUTOMATIC SPRINKLER SYSTEM.

Motion carried.

Indian Path Medical Center Transitional Unit, Kingsport

Request was made to allow Monty McLaurin, Administrator of the hospital to be allowed to serve as Administrator of the 30-bed licensed skilled nursing facility until he can obtain his Nursing Home Administrator's license. He is scheduled to appear before the BENHA Board in June.

Motion made by Terry Horgan and seconded by Dr. Spitzer to:

Grant Monty McLaurin a six (6) month waiver to serve as both Administrator of Indian Path Medical Center and their 30 bed skilled nursing facility until he is able to obtain his nursing home administrator license.

Motion carried.

Good Samaritan Health and Rehab Center

Request was made to allow this 115 bed facility a three (3) month waiver of requirement for Tennessee licensed nursing home administrator until a replacement can be hired. They experienced a sudden loss of administrator due to termination.

Motion was made by Ron Arrison and seconded by Robert Gordon to:

Grant a three (3) month waiver of the requirement for a licensed Tennessee nursing home administrator while they attempt to hire someone.

Motion carried.

Holston Valley Medical Center

Request was made to allow Berton Whitaker, CEO of Holston Valley Medical Center to serve as administrator of both hospital and their 32- bed nursing facility while he completes application for his Tennessee nursing home administrator's license.

Motion was made by Robert Gordon and seconded by Dr. Galyon to:

Grant a ninety (90) day waiver to allow Mr. Whitaker to serve as administrator of both Holston Valley Medical Center and their 32-bed nursing facility while completing application for his Tennessee nursing home administrator's license.

Motion carried.

Centennial Medical Center Ashland City

Request was made by Mike Garfield, Administrator of Centennial Medical Center, to separate Ashland City from Centennial Medical Center's license. Ashland City will become an eight (8) bed stand alone licensed acute care hospital, decreasing CMC's licensed beds by eight (8). Future plans are for Ashland City to apply as a critical access hospital.

Motion was made by Dr. Galyon and seconded by Ron Arrison to:

Grant the request to allow Centennial Medical Center Ashland City to be separated as a satellite of Centennial Medical Center's license and become a stand alone 8 bed acute care hospital.

Motion carried.

Consent Calendar

THE FOLLOWING FACILITIES REQUESTED APPROVAL TO PROVIDE ADULT DAY CARE:

Lebanon Assisted Living Facility, Lebanon

THE FOLLOWING FACILITIES ARE REQUESTING WAIVERS TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY POLICY 32:

**Monteagle Care and Rehabilitation Center
Greystone Health Care Center, Blountville
NHC, Cool Springs**

Dr. Galyon made a motion seconded by Mr. Arrison to approve the consent calendar.
Motion carried.

OTHER BUSINESS

Ms. Gammon asked the Board to amend Building Standard guidelines to require facility's who are granted waivers of a three to five year extension on sprinkler installation to reflect that it is the facility's responsibility to notify the department upon completion of projects the Board has granted waivers.

Motion made by Dr. Walker and seconded by Dr. Spitzer to:

Require facility's who are granted waivers of sprinkler installation to notify the department upon completion of the project.

Motion carried.

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

James T. Galyon, M. D.